



General Assembly

January Session, 2005

Raised Bill No. 1278

LCO No. 4326

04326_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING THE DISCLOSURE OF INFORMATION
PURSUANT TO CERTAIN COURT PROCEEDINGS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-124 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) For the purposes of this section, "records of cases of juvenile
4 matters" includes, but is not limited to, court records, records
5 regarding juveniles maintained by the Court Support Services
6 Division, records regarding juveniles maintained by an organization or
7 agency that has contracted with the judicial branch to provide services
8 to juveniles, records of law enforcement agencies including
9 fingerprints, photographs and physical descriptions, and medical,
10 psychological, psychiatric and social welfare studies and reports by
11 juvenile probation officers, public or private institutions, social
12 agencies and clinics.

13 (b) All records of cases of juvenile matters, as provided in section
14 46b-121, except delinquency proceedings, or any part thereof, and all
15 records of appeals from probate brought to the superior court for

16 juvenile matters pursuant to subsection (b) of section 45a-186, shall be
 17 confidential and for the use of the court in juvenile matters, and open
 18 to inspection or disclosure to any third party, including bona fide
 19 researchers commissioned by a state agency, only upon order of the
 20 Superior Court, except that: (1) [the] The records concerning any
 21 matter transferred from a court of probate pursuant to section 45a-623
 22 or subsection (g) of section 45a-715 or any appeal from probate to the
 23 superior court for juvenile matters pursuant to subsection (b) of section
 24 45a-186 shall be available to the court of probate from which such
 25 matter was transferred or from which such appeal was taken; [] (2)
 26 such records shall be available to (A) the attorney representing the
 27 child or youth, including the Division of Public Defender Services, in
 28 any proceeding in which such records are relevant, (B) the parents or
 29 guardian of the child or youth until such time as the child or youth
 30 reaches the age of majority or becomes emancipated, (C) an adult
 31 adopted person in accordance with the provisions of sections 45a-736,
 32 45a-737 and 45a-743 to 45a-757, inclusive, (D) employees of the
 33 Division of Criminal Justice who in the performance of their duties
 34 require access to such records, (E) employees of the judicial branch
 35 who in the performance of their duties require access to such records,
 36 (F) another court under the provisions of subsection (d) of section 46b-
 37 115j, (G) the subject of the record, upon submission of satisfactory
 38 proof of the subject's identity, pursuant to guidelines prescribed by the
 39 Office of the Chief Court Administrator, provided the subject has
 40 reached the age of majority or has been emancipated, and (H) the
 41 Department of Children and Families; and (3) all or part of the records
 42 concerning a youth in crisis with respect to whom a court order has
 43 been issued pursuant to subdivision (1) of subsection (c) of section 46b-
 44 150f may be made available to the Department of Motor Vehicles,
 45 provided such records are relevant to such order. Any records of cases
 46 of juvenile matters, or any part thereof, provided to any persons,
 47 governmental and private agencies, and institutions pursuant to this
 48 section shall not be disclosed, directly or indirectly, to any third party
 49 not specified in subsection (d) of this section, except as provided by

50 court order or in the report required under section 54-76d or 54-91a.

51 (c) All records of cases of juvenile matters involving delinquency
52 proceedings, or any part thereof, shall be confidential and for the use
53 of the court in juvenile matters and shall not be disclosed except as
54 provided in this section.

55 (d) Records of cases of juvenile matters involving delinquency
56 proceedings shall be available to (1) judicial branch employees who, in
57 the performance of their duties, require access to such records, and (2)
58 employees and authorized agents of state or federal agencies involved
59 in (A) the delinquency proceedings, (B) the provision of services
60 directly to the child, or (C) the design and delivery of treatment
61 programs pursuant to section 46b-121j. Such employees and
62 authorized agents include, but are not limited to, law enforcement
63 officials, state and federal prosecutorial officials, school officials in
64 accordance with section 10-233h, court officials including officials of
65 both the regular criminal docket and the docket for juvenile matters,
66 officials of the Division of Criminal Justice, the Division of Public
67 Defender Services, the Department of Children and Families, the Court
68 Support Services Division, the Board of Pardons and Paroles and
69 agencies under contract with the judicial branch, and an advocate
70 appointed pursuant to section 54-221 for a victim of a crime committed
71 by the child. Such records shall also be available to (i) the attorney
72 representing the child, including the Division of Public Defender
73 Services, in any proceeding in which such records are relevant, (ii) the
74 parents or guardian of the child, until such time as the subject of the
75 record reaches the age of majority, (iii) the subject of the record, upon
76 submission of satisfactory proof of the subject's identity, pursuant to
77 guidelines prescribed by the Office of the Chief Court Administrator,
78 provided the subject has reached the age of majority, (iv) law
79 enforcement officials and prosecutorial officials conducting legitimate
80 criminal investigations, and (v) a state or federal agency providing
81 services related to the collection of moneys due or funding to support
82 the service needs of eligible juveniles, provided such disclosure shall

83 be limited to that information necessary for the collection of and
84 application for such moneys. Records disclosed pursuant to this
85 subsection shall not be further disclosed, except that information
86 contained in such records may be disclosed in connection with bail or
87 sentencing reports in open court during criminal proceedings
88 involving the subject of such information.

89 (e) Records of cases of juvenile matters involving delinquency
90 proceedings, or any part thereof, may be disclosed upon order of the
91 court to any person who has a legitimate interest in the information
92 and is identified in such order. Records disclosed pursuant to this
93 subsection shall not be further disclosed.

94 (f) Records of cases of juvenile matters involving delinquency
95 proceedings, or any part thereof, shall be available to the victim of the
96 crime committed by such child to the same extent as the record of the
97 case of a defendant in a criminal proceeding in the regular criminal
98 docket of the Superior Court is available to a victim of the crime
99 committed by such defendant. The court shall designate an official
100 from whom such victim may request such information. Records
101 disclosed pursuant to this subsection shall not be further disclosed.

102 (g) Information concerning a child who has escaped from a
103 detention center or from a facility to which he has been committed by
104 the court or for whom an arrest warrant has been issued with respect
105 to the commission of a felony may be disclosed by law enforcement
106 officials.

107 (h) Nothing in this section shall be construed to prohibit any person
108 employed by the judicial branch from disclosing any records,
109 information or files in his possession to any person employed by the
110 Division of Criminal Justice as a prosecutorial official, inspector or
111 investigator who, in the performance of his duties, requests such
112 records, information or files, or to prohibit any such employee of said
113 division from disclosing any records, information or files in his
114 possession to any such employee of the judicial branch who, in the

115 performance of his duties, requests such records, information or files.

116 (i) A state's attorney shall disclose to the defendant or his counsel in
117 a criminal prosecution, without the necessity of a court order,
118 exculpatory information and material contained in any record
119 disclosed to such state's attorney pursuant to this section and may
120 disclose, without a court order, information and material contained in
121 any such record which could be the subject of a disclosure order.

122 (j) Notwithstanding the provisions of subsection (d) of this section,
123 any information concerning a child that is provided to a juvenile court
124 services officer, an employee of a juvenile detention center or a
125 juvenile probation officer during any mental health screening and
126 assessment of the child shall be used for planning and treatment
127 purposes only, and shall not be used as a basis for the detention of the
128 child or for the purpose of conviction or other disposition of the child.
129 Such information shall be confidential and shall be further disclosed
130 only for the purposes of the evaluation or treatment of the child or the
131 provision of services to the child, or pursuant to sections 17a-101 to
132 17a-101e, inclusive, or section 51-36a.

133 Sec. 2. Section 54-142k of the general statutes is repealed and the
134 following is substituted in lieu thereof (*Effective October 1, 2005*):

135 (a) Each person or agency holding [criminal history record]
136 conviction information or nonconviction information shall establish
137 reasonable hours and places of inspection of such information.

138 (b) Conviction information shall be available to the public for any
139 purpose.

140 (c) Nonconviction information shall be available to the subject of the
141 information and to such person's attorney pursuant to this subsection
142 and subsection (d) of this section. Any person shall, upon satisfactory
143 proof of his identity, be entitled to inspect, for purposes of verification
144 and correction, any nonconviction information relating to him and

145 upon his request shall be given a computer printout or photocopy of
 146 such information for which a reasonable fee may be charged, provided
 147 [that] no erased record may be released except as provided in
 148 subsection (f) of section 54-142a. Before releasing any exact
 149 reproductions of nonconviction information to the subject of the
 150 information, the agency holding such information may remove all
 151 personal identifying information from [it] such reproductions.

152 (d) Any person may authorize, in writing, an agency holding
 153 nonconviction information pertaining directly to such person to
 154 disclose such information to his attorney-at-law. The holding agency
 155 shall permit such attorney to inspect and obtain a copy of such
 156 information if both his identity and that of his client are satisfactorily
 157 established, [:] provided no erased record may be released unless such
 158 attorney attests to his client's intention to challenge the accuracy of
 159 such record.

160 (e) Any person who obtains [criminal history record information
 161 other than conviction] nonconviction information by falsely
 162 representing to be the subject of the information shall be guilty of a
 163 class D felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	46b-124
Sec. 2	October 1, 2005	54-142k

Statement of Purpose:

To allow records concerning a youth in crisis to be disclosed to the Department of Motor Vehicles when such disclosure is necessary to implement a court order that the youth's driver's license be suspended, to limit the use of certain information derived from the mental health screening and assessment administered to juveniles, and to clarify the law regarding disclosure of conviction and nonconviction information.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]